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| APPLICATION       | NO.               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
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| 10/019,962        | !                 | 01/07/2002  | Mika Perala          | 3501-1001               | 6257             |
| 466               | 7590              | 02/24/2005  |                      | EXAM                    | INER             |
| YOUNG & THOMPSON  |                   |             | ROBERTSON, JEFFREY   |                         |                  |
| 745 SOU<br>2ND FL | JTH 23RD S<br>OOR | TREET       |                      | ART UNIT                | PAPER NUMBER     |
| ARLING            | GTON, VA          | 22202       |                      | 1712                    | <del></del>      |
|                   |                   |             |                      | DATE MAILED: 02/24/2005 | 5                |

Please find below and/or attached an Office communication concerning this application or proceeding.

| ## Application No.   Applicant(s)   |
|---|
| Examiner  Jeffrey B, Robertson  The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after \$1.6 (a) MONTH5 from the mailing date of this communication.  If the particle for reply appendied above its less than their (00) days, a reply within the statutory minimum of their (30) days will be considered timely.  If the particle for reply appendied above, the nearmount statutory provide by \$1.0 (3) (a) (a) (a) (a) (a) (a) (a) (a) (a) (a  |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edentions or them may be audited under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication.  If this period reply specified above, the mailing date of this communication.  If this period reply specified above, the mailing date of this communication.  If this period reply specified is above it as the mailing date of this communication.  If this period reply specified is above it as the mailing date of this communication.  If this period reply specified is above it is a maintern and structure of the specified in the specified and the provision of the period of the communication. The period of reply specified is above it is a maintern and the replication of this communication, even if smelly filed, may reduce any certain date of the communication. The period of the period of the communication, even if smell smelly filed, may reduce any certain date of the communication. The period of the period of the communication, even if smelly filed, may reduce any certain date of the communication of the period of the communication of the provision of the period of the communication of the period of the communication of the provision of Claims.  In this action is FINAL.  2b)[2] This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-1. Is/are period file is/are allowed.  Claim(s) 1. Is/are period file is/are allowed.  Claim(s) 1. Is/are period file is/are allowed.  Claim(s)           |
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| THE MAILING DATE OF THIS COMMUNICATION.  Estensions of time may be vailable under the provisions of 3 CPR 1.38(a). In no event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of his communication.  If the period for reply specified above, it has the inthity (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, in the since that they gold year, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication, and the considered timely.  If NO period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication, and the consideration are consideration as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-14 is/are pending in the application.  4a) Of the above claim(s) is/are vilthdrawn from consideration.  5) Claim(s) 1-13 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 11 is/are rejected.  7) Claim(s) 11 is/are rejected to a restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 07 January 2002 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abovance. See 37 CFR 1.35(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or d                     |
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| 5) ☐ Claim(s) 1-7,9,10,12 and 14 is/are allowed. 6) ☐ Claim(s) 11 is/are rejected. 7) ☐ Claim(s) 8 and 13 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 27 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).   |
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| Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).   |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ■ All b) ■ Some * c) ■ None of:  1. ■ Certified copies of the priority documents have been received.  2. ■ Certified copies of the priority documents have been received in Application No. ■   |
| <ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>  |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).   |
|   |
| See the attached detailed Onice action for a list of the certified copies not received.   |
|   |
| Attachment(s)   |
| 1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)   |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date   |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:  |

#### **DETAILED ACTION**

# Claim Objections

1. Claims 8 and 13 are objected to because of the following informalities: For claims 8 and 13, in the last formula set forth in claim 8 and the formula set forth in claim 13 each contain a zero within the structure. This should be changed to a capital "O" to indicate oxygen. Appropriate correction is required.

### Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 11, it is not clear which epoxy silane is for component iii) is required by the claim since two formulas are set forth.

# Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Gasmena (U.S. Patent No. 5,703,178).

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For claim 11, in column 2, lines 43-50, Gasmena teaches coatings that contain an epoxy resin, an epoxy silane, a siloxane, and optionally a pigment. In column 6, lines 22-26, Gasmena teaches that the epoxy resin may be an aliphatic epoxy resin. For claim 11, in column 3, lines 38-65, Gasmena teaches the addition of an epoxy functional silane and specifically mentions glycidyloxypropyltrimethoxysilane as preferred example. In column 4, lines 16-40, Gasmena teaches the addition of a polysiloxane that has a molecular weight of 500 to 3500, which significantly overlaps with applicant's molecular weight. Applicant's R<sub>1</sub> and R<sub>2</sub> significantly overlap with Gasmena's R<sub>3</sub> and R<sub>4</sub>.

### Allowable Subject Matter

- 6. Claims 1-7, 9, 10, 12, and 14 are allowed.
- 7. Claims 8 and 13 would be allowable if rewritten or amended to overcome the claim objection set forth in this Office action.

## Response to Arguments

8. Regarding applicant's arguments pertaining to the Gasmena reference applied above, the examiner finds these arguments persuasive in light of applicant's amendment to claim 1 and the declaration submitted showing the material effect of the silicone-modified polyether on the compositions of present claim 1. Regarding claim 11, since the claim uses the term "comprising" and the formula for the epoxy silane set forth by Gasmena falls within the formula set forth for the first epoxy silane of the claim, the Gasmena reference is now applicable to claim 11.

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#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

My B. Phints Jeffrey B. Robertson **Primary Examiner** 

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**JBR**